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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402

In re: DAVID TERNES : DECISION ON
Serial No.: 10/723,023 : FOR WITHDRAWAL OF
Filing date: November 26, 2003 : S.I.R. REQUEST
Docket No: 279.383USS

Title: DYNAMIC BLANKING AND RECHARGE
INTERVALS FOR CARDIAC RHYTHM
MANAGEMENT

This is a decision on the petition filed on June 29, 2004 for withdrawal of a request for Statutory Invention Registration (SIR) in the above-identified application.


On November 26, 2003, a request for statutory invention registration was filed in the Office. Such a request is detailed in 37CFR 1.296 as cited below:

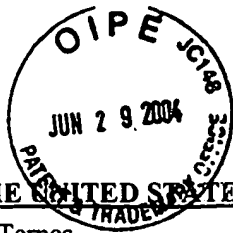
37 CFR 1.296. Withdrawal of request for publication of statutory invention registration.
A request for a statutory invention registration, which has been filed, may be withdrawn prior to the date of the notice of the intent to publish a statutory invention registration issued pursuant to § 1.294(c) by filing a request to withdraw the request for publication of a statutory invention registration. The request to withdraw may also include a request for a refund of any amount paid in excess of the application filing fee and a handling fee of \$130.00 which will be retained. Any request to withdraw the request for publication of a statutory invention registration filed on or after the date of the notice of intent to publish issued pursuant to § 1.294(c) must be in the form of a petition pursuant to § 1.183 accompanied by the fee set forth in § 1.17(h). Therefore, pursuant to 37 CFR 1.296 the request for statutory invention registration will be removed from the instant application and the fees refunded to the applicant.

To date, a determination to publish the SIR request has not been made. Therefore the request is GRANTED.

A message will be forwarded to the appropriate office for consideration of the request for refund.

Any questions or concerns regarding this decision should be forwarded to Michael Carone @ 571 272-6873.


Donald T. Hajec, Director
Technology Center 3600
(571) 272-5150



S/N 10/723,023

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David Ternes Examiner: Unknown
Serial No.: 10/723,023 Group Art Unit: 3762
Filed: November 26, 2003 Docket: 279.383USS
Title: DYNAMIC BLANKING AND RECHARGE INTERVALS FOR CARDIAC RHYTHM
MANAGEMENT

PETITION TO WITHDRAW REQUEST FOR PUBLICATION OF AN STATUTORY
INVENTION REGISTRATION PURSUANT TO 37 C.F.R. § 1.296 AND 37 C.F.R. § 1.183

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Sir:

Pursuant to 37 C.F.R. § 1.296 and 37 C.F.R. § 1.183, Applicant petitions for withdrawal of the request for publication of an Statutory Invention Registration that was submitted to the Patent Office on November 26, 2003. Applicant wishes to prosecute this application.

Applicant additionally requests that fees paid in excess of the filing fee (\$770.00) and the handling fee (\$130.00) be refunded to Deposit Account 19-0743. The petition fee according to 37 C.F.R. § 1.17(h) of \$130.00 is authorized to be charged to Deposit Account 19-0743.

The Examiner is invited to contact Applicant's Representative, at the number listed below, if prosecution may be assisted thereby.

Respectfully submitted,

DAVID TERNES

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6912

Date

June 23, 2004

By

Timothy B. Bianchi

Timothy B. Bianchi
Reg. No. 39,610

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 24 day of June, 2004.

Lisa Rosendale
Name

Lisa Rosendale
Signature